

**MEDICAL EXAMINING BOARD
MADISON, WI
MINUTES
APRIL 23, 2003**

PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Sidney Johnson, Sandra Mahkorn, Daniel Miota, Bhupinder Saini, Darold Treffert, Clark Olsen (joined by phone at 10:25 a.m. for closed session only), and Virginia Heinemann, Karen Kalishek (joined by phone at 8:25 a.m.),

STAFF PRESENT: Thomas Ryan, Bureau Director; Wayne Austin, Legal Counsel; Grace Schwingel, DOE Staff

GUESTS: Mark Grapentine, Wisconsin Medical Society
Ron Hermes, Wisconsin Perfusion Society
David Hellenbrand, Perfusionists Examining Council
Shelley Roebel, Purdue Pharma

CALL TO ORDER

Sidney Johnson called the meeting to order at 8:00 a.m. A quorum of 10 members was present.

APPROVAL OF AGENDA

Amendments to Agenda:

- 1) Addition to Item F: April 22, 2003 memo from Michael Gough, Chair of Legislative Task Force re: Administrative Rules – Perfusionists (2001 WI Act 89);
- 2) Item “B” of agenda - Change date of Minutes from March 21, 2003 to March 19, 2003
- 3) Item “B” of agenda - Minutes from April 21, 2003 teleconference
- 4) Item “Mc” -Closed - Stipulation for Richard Romeyn
- 5) Item “Mc”-Closed – Complaints against Dr. Ghazwan Katmeh and Dr. Anthony Linn
- 6) Flowers transcript for board members review for June May meeting
- 7) Updated Case status reports
- 8) Screening meeting assignments

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 19, 2003

MOTION: Darold Treffert moved, seconded by Lief Erickson, to approve the minutes of March 19, 2003 as published and the amended minutes of the April 21, 2003 teleconference as amended. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATION IN THE MATTER CONCERNING

ALAN GLICKLICH, M.D. – ATTORNEY JACK ZWIEG

DOE attorney Jack Zwieg, presented a proposed stipulation in the matter concerning Alan Glicklich, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION IN THE MATTER CONCERNING
DAVID FAGAN, D.O. – ATTORNEY ARTHUR THEXTON**

DOE attorney Arthur Thexton, presented a proposed stipulation in the matter concerning, David Fagan, D.O. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION IN THE MATTER CONCERNING
SANTIAGO L. YLLAS, M.D. – ATTORNEY CLAUDIA MIRAN**

DOE attorney Claudia Berry Miran, presented a proposed stipulation in the matter concerning Santiago Yllas, MD. This matter will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER
MAILING OF AGENDA**

DOE attorney Pamela Stach, presented a proposed stipulation in the matter concerning Richard Romeyn, MD. This matter will be deliberated on in closed session.

**STATE MEDICAL SOCIETY COMPLAINTS
RONALD GROSSMAN/DISCUSSION**

This issue was tabled until the May 21, 2003 meeting.

**PATIENTS COMPENSATION FUND (PCF) – THERESA WEDEKIND,
PCF CHIEF – 9:00 A.M.**

Theresa Wedekind, Chief, Patients Compensation Fund addressed questions raised by the Board regarding how to deal with doctors who are out of compliance with paying their Patients Compensation Fund bill. The Board is concerned about the gap that occurs in a doctor's coverage if a doctor is out of compliance because it leaves patients without fund coverage if an act of malpractice occurs.

To protect the public, the Board wants to minimize, and if possible eliminate, coverage gaps. The Board will work with the Department and the Patients Compensation Fund to improve PCF collection efforts. The Board would like PCF to provide the Department and the Board with a list of doctors who are out of compliance and why they are out of compliance so that the Department can eventually limit its involvement to the most severe cases. It was noted that the Board has issued an order to suspend 57 doctors for non-compliance with paying their PCF bill. Board members will work on developing a proposal on how to deal with this issue to be discussed at the May Board meeting.

NEW OCCUPATIONAL THERAPY RULES – WAYNE AUSTIN

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to repeal chapter 19 code dealing with OT rules, as written by Legal Counsel, Wayne Austin. Motion carried unanimously.

LICENSURE OF PERFUSIONISTS

Temporary licensure – Deanna Zychowski

Deanna Zychowski reviewed the Board's options relating to the rule on temporary licensing. The Board decided there was no need to change the current draft.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to approve the rules as written. Motion carried unanimously.

Perfusionist laws on examination – Barbara Showers, DRL

Darwin Tichenor, Exam Specialist, distributed a handout to Board members relating to the statutes and rules examination for perfusionists which must be approved by the Board. Darwin Tichenor reviewed the process that was used to develop the exam.

MOTION: Alfred Franger moved, seconded by Daniel Miota, to approve the examination. Motion carried unanimously.

REPORTS ON PENDING COURT CASE(S), DISCIPLINARY CASE(S) AND ADMINISTRATIVE RULE(S)

Noted

PAIN MANAGEMENT

Board Discussion

At the request of Dr. Treffert at the March 19 Medical Examining Board meeting, pain management was scheduled for review on the April agenda. Mark Grapentine of the State Medical Society indicated the State Medical Society has decided to study the issue of pain management. A recommendation was made to form an informal group consisting of Drs. Bhupinder Saini, Sandra Mahkorn, and Darold Treffert, with Wayne Austin as the Department representative, to track the SMS study, review pain management and draft a Regulatory Digest article (Wayne Austin) on the sort of guidelines the Board would use in examining chronic pain disciplinary cases. (see also, Motion from February 19 Board meeting). The Bureau Director, Tom Ryan, abstained from the discussions.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported on the actions of the Screening Committee, which reviewed 41 cases, opened 14 cases, and referred 3 cases for further information. Twenty-four cases were either closed or referred to a more appropriate authority.

CLOSED SESSION

MOTION: Ronald Grossman moved, seconded by Leif Erickson, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1) (a) (b) (f) and (g). Motion carried by roll call vote: Lief Erickson-yes, Alfred Franger-yes, Ronald Grossman-yes, Virginia Heinemann-yes, Sidney Johnson –yes, Karen Kalishek –yes (by phone), Sandra Mahkorn–yes , Daniel Miota–yes , Bhupinder Saini–yes , Darold Treffert–yes; Clark Olsen – yes (joined board meeting by phone for Closed Session at 10:25 am.)

Open Session recessed at 10:25 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Alfred Franger moved, seconded by Bhupinder Saini, to reconvene into Open Session at 12:20 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Virginia Heinemann moved, seconded by Daniel Miota, to express the Board's opposition to Governor Doyle's proposal to take \$200 million out of the Patient Compensation Fund (PCF) to offset the state's fiscal problems, citing Wis Stats. 655.27 (6). The Board will send a letter to Governor Doyle and the leaders of the Assembly and the Senate expressing the Board's concerns with the budget proposal as being not in the public interest. Sandra Mahkorn abstained. Motion carried.

DELIBERATION OF PROPOSED STIPULATIONS SANTIAGO YLLAS, M.D. – KY

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Santiago Yllas, M.D. Case Advisor Sidney Johnson, M.D. abstained. Motion carried.

DELIBERATION OF PROPOSED STIPULATIONS

ALAN GLICKLICH, M.D. – CT

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Alan Glicklich, M.D. Case Advisor Darold Treffert, M.D. abstained. Motion carried.

DAVID J. FAGAN, D.O.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to adopt the Findings of Fact, Conclusion of Law and Order in the matter concerning David J. Fagan, D.O. Case Advisor Bhupinder Saini, M.D. abstained. Motion carried.

RICHARD ROMEYN, M.D.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Richard Romeyn, M.D. Sandra Mahkorn opposed the motion. Case Advisor Clark Olsen, M.D. abstained. Motion carried.

PROBABLE CAUSE DETERMINATION – ISSUE COMPLAINT

EDWARD C. MILLER, M.D.

MOTION: Ronald Grossman moved, seconded by Darold Treffert, that there is probable cause to issue a complaint against Edward C. Miller, M.D. Motion carried unanimously.

ANTHONY J. LYNN, M.D.

MOTION: Ronald Grossman moved, seconded by Sandra Mahkorn, that there is probable cause to issue a complaint against Anthony Lynn, M.D. Motion carried unanimously.

GHAZWAN KATMEH, M.D.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, that there is probable cause to issue a complaint against Ghazwan Katmeh, M.D. Motion carried unanimously.

APPEARANCE AND REQUEST FOR REINSTATEMENT

RAYMOND KOZIOL, M.D.

MOTION: Alfred Franger moved, seconded by Bhupinder Saini, to deny the request of Raymond Koziol for reinstatement. Dr. Koziol failed to appear. Motion carried unanimously.

REQUEST FOR REINSTATEMENT OF STAY

SCOTT CONANT, M.D.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to approve the request of Scott Conant, M.D. for reinstatement of the three- month stay. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY OF SUSPENSION

RICHARD HELFFRICH, M.D.

MOTION: Sandra Mahkorn moved, seconded by Leif Erickson, to approve the request of Richard Helffrich, M.D. for a three-month stay of suspension. Motion carried unanimously.

NICHOLAS GEIMER, M.D.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to approve the request of Nicholas Geimer, M.D. for a three-month stay of suspension. Motion carried unanimously.

MOTION: Virginia Heinemann moved, seconded by Alfred Franger, to make the stay of suspension for Nicholas Geimer, M.D. retroactive to March 19, 2003. Motion carried unanimously.

PETER PARK, M.D.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to approve the request of Peter Park, M.D. for a three-month stay of suspension. Motion carried unanimously.

REQUEST FOR THREE MONTH STAY OF SUSPENSION AND SCREEN REDUCTIONS

KENNETH SPARR, M.D.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to approve the request of Kenneth Sparr, M.D. for a three-month stay of suspension and a reduction in urine screens from once a week to twice a month. Motion carried unanimously.

TIMOTHY STAACKE, M.D.

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to approve the request of Timothy Staacke, M.D. for a three-month stay of suspension and a reduction in urine screenings from once a week to twice a month. Motion carried unanimously.

REQUEST FOR STAY

ROBERT VINCENT, M.D.

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, to approve the request of Robert Vincent, M.D. for a stay of suspension. Motion carried unanimously.

REVIEW OF APPLICATION

ALI TUNIO, M.D. – TOOK FLEX 9 TIMES IF ACCEPTED – NEEDS ORAL EXAMINATION

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to accept Ali Tunio, M.D. for oral exam. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

MOTION: Daniel Miota moved, seconded by Alfred Franger, to close 02 MED 097 for insufficient evidence. Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Virginia Heinemann, to close 02 MED 461 for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Daniel Miota, to close 02 MED 322: for no violation. Darold Treffert opposed the motion. Motion carried.

MOTION: Virginia Heinemann moved, seconded by Sandra Mahkorn, to close 02 MED 456 for no violation. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to close 98 MED 036 for prosecutorial discretion, indicating there may have been a violation, but the regulatory authority has taken action in regard to this credential holder that addressed the conduct and further action is unnecessary. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Sandra Mahkorn, to close 02 MED 483 for compliance gained. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to close 01 MED 70 for prosecutorial discretion, indicating there may have been a violation, but the regulatory authority has taken action in regard to this credential holder that addressed the conduct and further action is unnecessary. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to close 03 MED 121 for no jurisdiction. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Sandra Mahkorn, to close 02 MED 453 for no violation. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board voiced its disappointment with respect to losing Deanna Zychowski's expertise in dealing with the Board's credentialing business of verifying documents and processing oral exams as a result of the transition in department staff. The Board indicated an interest in having Cathy Pond come to talk with the Board about the credentialing process.

Alfred Franger will do screenings for the next three months along with Virginia Heinemann and Sidney Johnson. Bhupinder Saini will serve as backup for screening.

ADJOURN

MOTION: Alfred Franger moved, seconded by Bhupinder Saini, to adjourn the meeting at 12:50 p.m. Motion carried unanimously.

Next Meeting: Wednesday, May 21, 2003